

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ORDER

PROUD, Magistrate Judge:

Before the Court is plaintiff Arnold's motion to shorten the time allotted to defendant Haun Drop Forge Co., Ltd., to respond to interrogatories and requests for production propounded on June 1, 2010. (**Doc. 173**). This motion comes on the heels of a joint motion filed by the parties to extend the discovery period (and no other pretrial deadlines). (*See Docs. 167 and 170*). The revised discovery deadline was May 31, 2010. Plaintiff propounded the discovery requests at issue after the discovery deadline, and in derogation of the Court's previous order that all discovery requests be propounded so as to allow the full 30 days for response, as also dictated by the Federal Rules of Civil Procedure. (**Doc. 137-1, p. 2**). As cause and/or justification for the new requested extension of time, plaintiff cites "recent testimony," asserts that defendant Haun Drop Forge and PenSafe "appear to have withheld information" and notes that trial is set in March 2011.

Although the time prescribed for a response to the subject motion has not passed and no response has been filed, the Court will rule now, as there will be no apparent prejudice to defendant Haun Drop Forge.

As a preliminary matter, the Court observes that plaintiff gives no indication that any attempt was made to amicably resolve this matter before filing the subject motion. *See SDIL-LR 26.1(d).* Plaintiff also fails to supply the Court with copies of the discovery requests at issue, so the Court cannot assess the nature or urgency of the requests. *See SDIL-LR 26.1(b)(3).* In any event, plaintiff clearly propounded its discovery requests out of time. Plaintiff prays only to shorten the defendant's time to respond to the untimely discovery requests, not to extend the discovery period. Plaintiff does not specify when he obtained information prompting his discovery requests, and plaintiff makes a *very* serious accusation of discovery fraud without any specifics, affidavits or other proof. And, nine months before the presumptive trial month, not permitting Huan Drop forge 30 days to respond to discovery requests is certainly not a compelling argument.

IT IS THEREFORE ORDERED that the subject motion (**Doc. 173**) is **DENIED**.

IT IS SO ORDERED.

DATED: June 3, 2010

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE